IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NO : 4693 of 2005

Between:

M/s. A.V.U. Engineers Pvt. Ltd.

a company registered under the Companies Act, 1956,
having its office and factory at Survey No. 53,

Bahadurpally Village, Qutbullapur Mandal,

R.R. District, Hyderabad,
represented by its Managing Director,

Sri K.C. Rana

..... PETITIONER

AND

1 The Union of India,

Through the Ministry of Labour, New Delhi,
Represented by its Principal Secretary
2 The Regional Director-Andhra Pradesh,

Employees State Insurance Corporation,
Regional Office, 5-9-23,

Hill Fort Road, Hyderabad - 500 063

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus, or any other appropriate Writ, order or direction to the

Respondents declaring the Order No. AP/INS.I/52-3994-56 dated 2-11-2004 under Section 85(B) of the ESI Act, 1948 passed by the Respondent No.2 as highly illegal and unconstitutional and pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case

Counsel for the Petitioner: Mr.K.Rajendran

Counsel for the Respondent No.1: Mr.A.Rajashekar Reddy (ASST.SOLICITOR GEN.)

Counsel for Respondent No.2: Mr.A.Gopalakrishnamacharyulu

The Court made the following :

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ORAL ORDER;

None appears for the petitioners even though the writ petition is listed under the caption 'for dismissal'. At the time of hearing, however, the learned Counsel appearing for the second respondent contended that against the impugned order dated 02-11-2004 passed by the second respondent under Section 85 (B) of the Employees State Insurance Act, 1948 (for short 'the Act'),
the petitioner has got a remedy by approaching the Insurance Court constituted under Section 74 of the Act.

When an effective remedy is provided under the statute for adjudication of the dispute, the writ petition is not maintainable and the same is accordingly dismissed. No costs.

23-06-2005

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Copy to:

1 The Principal Secretary, Union of India,

Through the Ministry of Labour, New Delhi,
2 The Regional Director-Andhra Pradesh,

Employees State Insurance Corporation,
Regional Office, 5-9-23,

Hill Fort Road, Hyderabad - 500 063

3 Two CD copies.